

From: [Bernier, Roberto](#)
To: [Rick Scott](#)
Cc: [Jay Keith](#); [Petersen, Chris](#); [Jose Ojeda](#)
Subject: Re: [External] Bulldog Environmental - Anton, TX
Date: Thursday, December 31, 2020 2:39:18 PM

Thanks

Sent from my iPhone

On Dec 31, 2020, at 2:38 PM, Rick Scott <rscott@scottmanufacturing.com> wrote:

Roberto:

There are 142 that were from Scott Manufacturing. I think Monday would be fine as a start date. They may want to mobilize over the weekend, but I anticipate the work will begin Monday or Tuesday and we will notify both yourself and Jay of that. Additionally, we will be keeping records of actions taken with regard to all of this, both for you and us.

Thanks

Rick

From: Bernier, Roberto <bernier.roberto@epa.gov>

Sent: Thursday, December 31, 2020 2:21 PM

To: Rick Scott <rscott@scottmanufacturing.com>

Cc: Jay Keith <jay.keith@tceq.texas.gov>; Petersen, Chris <petersen.chris@epa.gov>; Jose Ojeda <Jose.Ojeda@WestonSolutions.com>

Subject: RE: [External] Bulldog Environmental - Anton, TX

Rick thanks for the update. Can you tell me how many of the drums were identified as generated by Scott Manufacturing. This general plan sounds appropriate but I'm also going to refer to Jay (TCEQ) in case there's a State concern with it. Keep in mind that both TCEQ and us will have a staff present to document the activities and raise any concern if needed. Due to the travel restrictions still in place for us during the pandemic, I'll have one of my contractors on site instead. I just talked to them and is preferable for us if you could to start on Monday. Let me know if that's ok. Thanks for the prompt response to action, in particular during this time of the year with the pandemic and the holidays combined. Again, let me know the number of your drums, Roberto.

Jay fell free to provide any input, thanks

Roberto L. Bernier

Environmental Engineer, FOSC

Emergency Management Branch (SEDEC)

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From: Rick Scott <rscott@scottmanufacturing.com>

Sent: Thursday, December 31, 2020 1:41 PM

To: Bernier, Roberto <bernier.roberto@epa.gov>

Cc: Jay Keith <jay.keith@tceq.texas.gov>; Petersen, Chris <petersen.chris@epa.gov>

Subject: RE: [External] Bulldog Environmental - Anton, TX

Roberto:

We have now come to a resolution as to a plan.

We have defined all of the product which appears to be ours.

We have taken a couple of samples to verify that it is universal waste. We have the proper equipment, overpacks, etc. located to accommodate the number of drums that will require overpacks to be in compliance with DOT specifications.

A proper area will be established to handle drums, and proper containment measures will be available and taken in case integrity of the drums is compromised.

All drums will be prepared as necessary and loaded into dry vans for transportation.

All drums will be remarked and proper manifests generated.

Drums will be taken to proper disposal facility and all manifest copies and COD's will be returned to Scott Manufacturing.

All handling and preparation will be done by certified personnel.

With your approval, we can mobilize this project Sunday or Monday and anticipate that the product will be at the disposal facility by the of next week.

Please advise if we are approved to proceed and we will do so.

Thank You

Rick Scott

806-777-9465

From: Bernier, Roberto <bernier.roberto@epa.gov>

Sent: Monday, December 21, 2020 10:51 AM

To: Rick Scott <rscott@scottmanufacturing.com>

Cc: Jay Keith <jay.keith@tceq.texas.gov>; Petersen, Chris <petersen.chris@epa.gov>

Subject: RE: [External] Bulldog Environmental - Anton, TX

Thanks Rick, appreciate the efforts to get it taken care of promptly. Let us know.

From: Rick Scott <rscott@scottmanufacturing.com>

Sent: Monday, December 21, 2020 10:45 AM

To: Bernier, Roberto <bernier.roberto@epa.gov>

Cc: Jay Keith <jay.keith@tceq.texas.gov>; Petersen, Chris <petersen.chris@epa.gov>

Subject: RE: [External] Bulldog Environmental - Anton, TX

Gentlemen:

I am continuing to tie down a good plan and pricing related to this project, and should be able to do this within a few days.

I apologize for the delay and understand the desire to get this material taken care of, and will do so.

I just wanted to touch base and let you know where I am. Please let me know if you have questions or comments and I will have a good plan soon.

Best Regards

Rick Scott

806-777-9465

From: Rick Scott

Sent: Wednesday, December 16, 2020 9:17 AM

To: 'Bernier, Roberto' <bernier.roberto@epa.gov>

Cc: Jay Keith <jay.keith@tceq.texas.gov>; Petersen, Chris <petersen.chris@epa.gov>

Subject: RE: [External] Bulldog Environmental - Anton, TX

Roberto:

Thank you, and I will wait to hear from TCEQ.

Best

Rick Scott

From: Bernier, Roberto <bernier.roberto@epa.gov>

Sent: Tuesday, December 15, 2020 4:40 PM

To: Rick Scott <rscott@scottmanufacturing.com>

Cc: Jay Keith <jay.keith@tceq.texas.gov>; Petersen, Chris <petersen.chris@epa.gov>

Subject: RE: [External] Bulldog Environmental - Anton, TX

Rick, after our conversation I talked to one of my colleagues with RCRA experience who indicated that if it's paint waste in Texas, it is indeed universal waste and must be handled accordingly as such under RCRA. Your questions are more specific as to how to handle the transportation and storage, as well as how to account for it as generated wastes. The State of Texas have been delegated the RCRA program that regulates these activities for this kind of waste, so I'm coping Jay Keith with TCEQ on my reply for his input. On my side, under CERCLA, which is the statute that covers the removal or response to a release or threat of a release of a hazardous substances, pollutants or contaminants, the liability falls to both the recipient as owner and/or operator of the facility, and to the original generator of the waste. In this case both Bulldog and Scott Manufacturing, respectively.

In regards to the timeline, as discussed our preference is to have the removal of the containers as soon as possible but I understand if it can't be accomplished before the holidays. Keep moving forward as much as you can, send me and Mr. Keith a brief work plan. Completing the task by the end of December/first week in January sounds good. Please let me know if you have more questions, Roberto.

Roberto L. Bernier

Environmental Engineer, FOSC

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From: Rick Scott <rscott@scottmanufacturing.com>

Sent: Tuesday, December 15, 2020 3:50 PM

To: Bernier, Roberto <bernier.roberto@epa.gov>

Cc: Jay Keith <jay.keith@tceq.texas.gov>

Subject: RE: Bulldog Environmental - Anton, TX

Roberto:

I had a conversation with Jay about this and shortly with you as well. My remediation company has sent me an email with their questions regarding this removal, so below you will see an excerpt from their email. If we could get clarification on these items then I would be able to solidify a plan and a timetable for getting this waste removed.

- How do we complete the manifest so that it is clear that this haul-off was the result of Bulldog's apparent mishandling. Do we need to complete the manifest as SMI's waste and location or SMI's waste and Bulldog's holding location? We want to ensure that the waste is

appropriately accounted for and not double counted toward SMI's generator status. If it does count against SMI's generator status, the site will become a large generator of universal waste. In addition, should there be concerns for accumulation time statute exceed at the "Bulldog site" for the waste? Would there be a special waiver for this?

- Since this waste has already been accounted for once, is a one-time shipment notice required for the amount of waste being hauled off?

Please let me know your thoughts on this so that we can take care of it and give you a good plan. Additionally, Initially you had requested that we have this out of the Anton site by Christmas. The logistics are not working out thus far for this to happen, but I am getting feedback that we can possibly have it out by the end of December or the first week of January, Please advise if this is acceptable to all parties.

Please feel free to call me with any questions or clarifications, and I appreciate your assistance in this effort.

Best Regards

Rick Scott

806-777-9465

From: Bernier, Roberto <bernier.roberto@epa.gov>

Sent: Thursday, December 10, 2020 2:54 PM

To: Rick Scott <rscott@scottmanufacturing.com>

Cc: Jay Keith <jay.keith@tceq.texas.gov>; Petersen, Chris <petersen.chris@epa.gov>; Gary Shipp <gary.shipp@tceq.texas.gov>

Subject: [External] Bulldog Environmental - Anton, TX

Mr. Scott (Scott Manufacturing, Inc.)

This is a follow-up to our earlier conversation today. The U.S. EPA in coordination with the TCEQ is in the process of conducting an environmental cleanup at the abandoned Bulldog Environmental site located at 213 N. Main St, Afton, TX, including the removal of hazardous substances and materials stored in containers at the site as some are showing significant signs of deterioration and leakage. I have been informed that a large number of the containers or drums were generated by your company, mostly with paint wastes, and that your company is ready to remove those drums from the site for proper disposal. As discussed, please send me a brief workplan on how you are going to perform this task, including a timetable. We are interested on having this accomplished as soon as possible, preferably before the coming holidays. As you indicated during our call, some of the drums are too deteriorated for proper transport requiring the use of overpacks or other leak prevention containment. Recent observations from our and TCEQ's staff have confirmed those conditions. Once you provide your plan I will coordinate with the city to let them know of your intentions and as to allow uninterrupted access to the site. Both us EPA and TCEQ will have a field staff present to assist with any questions. I appreciate your prompt support to our mission and please call me or reply back if you have any questions. Thanks, Roberto.

Roberto L. Bernier

Environmental Engineer, FOSC

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